OAH 80-0900-31354

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF HEALTH

In the Matter of Park of Four Seasons

ORDER DENYING MOTION FOR SUMMARY DISPOSITION

This matter is before Administrative Law Judge LauraSue Schlatter on a motion for summary disposition brought by Respondent Park of Four Seasons (Respondent) on or about June 23, 2014. The Minnesota Department of Health (Department) filed its brief in opposition on July 7, 2014. Respondent filed a reply memorandum on July 16, 2014. No oral argument was requested or held, and the motion hearing record closed on July 16, 2014.

John F. Bonner III, Bonner & Leach, LLP, appeared on behalf of Respondent. Jocelyn F. Olson, Assistant Attorney General, appeared on behalf of the Department.

Based on the submissions of the parties and for the reasons set forth in the attached Memorandum, the Administrative Law Judge makes the following:

ORDER

Respondent's Motion for Summary Disposition is **DENIED.**

Dated: July 30, 2014

s/LauraSue Schlatter
LAURASUE SCHLATTER
Administrative Law Judge

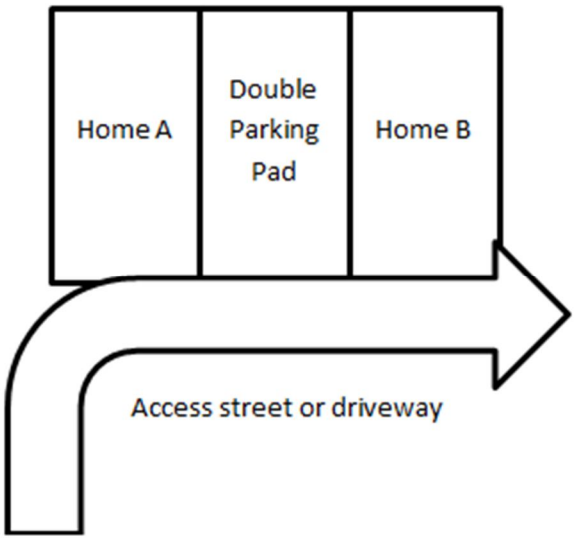
MEMORANDUM

This matter arises out of an enforcement action in which the Department seeks to revoke Respondent's manufactured home park license based upon alleged violations of the state's Health Enforcement Consolidation Act of 1993.[1] In the current motion, Respondent seeks summary disposition on all legal issues and dismissal of the action or, in the alternative, reconsideration of a related Request for Variance filed earlier with the Department.

I. Factual Background

Respondent owns and operates Park of Four Seasons (PoFS), a manufactured home park located in Blaine, Minnesota.[2] PoFS has been operated in its present configuration, by Respondent and former owners, since its construction in the early 1970s.[3]

In relevant part, PoFS is structured such that some adjacent manufactured homes (homes) are separated by a double parking pad, at times but not always framed on each long side by a small strip of grass.[4] For illustrative purposes only and not intended to represent scale, the following diagram identifies the position of the double parking pad depicted in the embedded photographic exhibit made part of the record.[5]



[1] Minn. Stat. §§ 144.989 - 144.993.
[2] Affidavit (Aff.) of Mark Peloquin, p. 7.
[3] Affidavit of John F. Bonner III, pp. 4-5.
[4] Affidavit of Matthew (Crystal) Theis, Ex. 13, pp. 6, 9, 12.
[5] Aff. of M. Theis, Ex. 13, p. 4.

In some locations, the parking pads are wide enough to accommodate the simultaneous side-by-side parking of two standard-sized vehicles, allowing sufficient room to open the adjacent doors of each vehicle.[6] (For ease of reference, these subject areas are referred to as "double parking pads.") When these double parking pads are occupied by a standard appearing dumpster or even a motorhome on one side, there remains sufficient adjacent space to park a pickup truck on the double parking. The double parking pads appear to measure over ten and up to 15 or more feet wide from long-edge to long-edge, as evidenced in the several photographs in the record.[7] The record contains no exact measurements of the double parking pads.

Respondent allows residents to park vehicles adjacent to each other on the double parking pads.[8] Respondent has not limited parking for the purpose of maintaining any amount of open space between adjacent homes.

II. Enforcement Action

Between June 3, 2010 and September 21, 2011, the Department inspected PoFS seven times. Each inspection resulted in the issuance of multiple citations for violations of the statutes and rules regulating manufactured home parks. The Department cited Respondent for violations related to: improper sewage disposal;[9] inadequate insect and rodent control related to debris[10] and noxious weeds;[11] inadequate separation distance between bottled gas cylinders and homes;[12] substandard plumbing related to a sewer line or water main break;[13] uncontained garbage and refuse;[14] lack of an on-site caretaker;[15] and inadequate lighting in storm shelters.[16] (Hereinafter, these violations are collectively referred to as the "non-spacing violations.")

In addition, following six of the seven inspections the Department cited Respondent for spacing violations. All of the spacing violations related to an alleged

[6] Aff. of M. Theis, Ex. 13, pp. 6,-8, 10, 11-13.
[7] Aff. of M. Theis, Ex. 13, pp. 6,-8, 10, 11-13.
[8] *Id.*
[9] Aff. of M. Theis, Exs. 1-5 (Inspection Report No. 7994101024 dated June 3, 2010; Inspection Report No. 7994111018 dated May 17, 2011; Inspection Report No. 7994111027 dated June 21, 2011; Inspection Report No. 7994111035 dated July 25, 2011; Inspection Report No. 79941111038 dated July 28, 2011).
[10] Aff. of M. Theis, Exs. 1-2 (Inspection Report No. 7994101024 dated June 3, 2010; Inspection Report No.7994111018 dated May 17, 2011).
[11] Aff. of M. Theis, Ex. 6 (Inspection Report No. 7994111050 dated August 23, 2011).
[12] Aff. of M. Theis, Ex. 2 (Inspection Report No.7994111018 dated May 17, 2011).
[13] Aff. of M. Theis, Exs. 3-4 (Inspection Report No.7994111027 dated June 21, 2011; Inspection Report No.7994111035 dated July 25, 2011).
[14] Aff. of M. Theis, Exs. 2, 7 (Inspection Report No.7994111018 dated May 17, 2011; Inspection Report No.7994111054 dated September 21, 2011).
[15] Aff. of M. Theis, Ex. 7 (Inspection Report No.7994111054 dated September 21, 2011).
[16] *Id.*

lack of required open space between the sides of adjacent homes due to the parking of multiple vehicles between homes on the double parking pads.[17]

As a result of the cited spacing and non-spacing violations, the Department issued a Combination Administrative Penalty Order (Order) to Respondent on November 15, 2011, assessed penalties and notified Respondent of its right to request a contested case hearing.[18] The Department conducted additional inspections on January 27, 2012 and May 23, 2012 and, based on uncorrected violations identified at each inspection, determined that Respondent had failed to comply with the Order.[19] Accordingly, on August 14, 2012, the Department notified Respondent of its intent to revoke PoFS's manufactured home park license and of Respondent's right to request a contested case hearing on the revocation and the Department's determination of noncompliance with the Order.[20] Respondent exercised its right by requesting a contested case hearing on both issues on August 31, 2012.[21] A subsequent inspection on September 7, 2012, revealed a continuing spacing violation. All non-spacing violations had been cured.[22]

During the pendency of this matter, Respondent filed with the Department a written Variance Request Application with respect to the spacing violations.[23] Claiming that it would be too expensive to reconfigure the Park in order to eliminate the use of the available double parking pads, Respondent sought a perpetual variance from the statutory and rule provisions under which the Department had issued the spacing violation citations. In January 9, 2013 correspondence, the Department denied Respondent's request for a variance.[24] Respondent requested a contested case hearing on the denial decision on January 28, 2013.[25]

III. Summary Disposition Standard

Summary disposition is the administrative equivalent of summary judgment and the same legal standards apply.[26] Summary disposition is appropriate when there is no genuine issue of material fact and a party is entitled to judgment as a matter of law.[27] A genuine issue is one that is not a sham or frivolous, and a material fact is one which will

[17] Aff. of M. Theis, Exs. 2-7 (Inspection Report No.7994111018 dated May 17, 2011; Inspection Report No. 7994111027 dated June 21, 2011; Inspection Report No. 7994111035 dated July 25, 2011; Inspection Report No. 79941111038 dated July 28, 2011; Inspection Report No. 7994111050 dated August 23, 2011; Inspection Report No.7994111054 dated September 21, 2011).
[18] Aff. of M. Peloquin, ¶ 9; Notice and Order for Hearing and Prehearing Conference ("Notice and Order"), Ex. A.
[19] Aff. of M. Theis, ¶ 14, Ex. 8; ¶ 15, Ex. 9.
[20] Aff. of M. Peloquin, ¶ 15; Notice and Order, Ex. B.
[21] Aff. of M. Peloquin, ¶ 18.
[22] Aff. of M. Theis, ¶ 18, Ex. 12.
[23] Aff. of M. Peloquin, ¶ 20, Ex. 4.
[24] Notice and Order, Ex. C.
[25] Aff. of M. Peloquin, ¶ 24, Ex. 5.
[26] Minn. R. 1400.5500(K).
[27] Minn. R. Civ. P. 56.03 and Minn. R. 1400.5500(K).

affect the outcome of the case.[28] The Office of Administrative Hearings has generally followed the summary judgment standards developed in judicial courts in considering motions for summary disposition in contested case matters.[29]

The moving party must demonstrate that no genuine issues of material fact exist and that it is entitled to summary disposition as a matter of law.[30] If the moving party is successful, the nonmoving party then has the burden of proof to show specific facts are in dispute that can affect the outcome of the case.[31] It is not sufficient for the nonmoving party to rest on mere averments or denials; presentation of specific facts demonstrating a genuine issue for hearing is required.[32] When considering a motion for summary disposition, the Administrative Law Judge must view the facts in the light most favorable to the nonmoving party.[33] All doubts and factual inferences must be resolved against the moving party.[34] If reasonable minds could differ as to the import of the evidence, disposition as a matter of law should not be granted.[35]

IV. Parties' Positions

Respondent argues that the Department has failed to produce substantial evidence in support of the spacing violation citations given the lack of any measurements of the double parking pads or parked vehicles in the record to date. In addition, Respondent posits that the enforcement action is based on an incorrect construction of applicable statute and rule, and insists that these authorities should be read to allow the parking of vehicles in any area that is at least ten feet away from the next adjacent home whether or not any open space remains between adjacent homes. In the alternative, Respondent asserts that the Department's denial of its variance request was arbitrary and capricious, and thus invalid.

The Department asserts that its reading of the statute is in accordance with general rules of statutory construction and its long-standing interpretation, which should be accorded judicial deference. Based on its interpretation of the statutory and rule language, the Department argues that both the spacing violations and the non-spacing violations are sufficiently supported in the record to defeat summary disposition. With respect to Respondent's requested variance, the Department insists that it fully complied with applicable law and rule in denying the request and that the denial should be upheld.

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[28] *Highland Chateau v. Minnesota Dep't of Pub. Welfare*, 356 N.W.2d 804, 808 (Minn. Ct. App. 1984), rev. denied (Minn. Feb. 6, 1985).
[29] Minn. R. 1400.6600.
[30] *Theile v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988).
[31] *Highland Chateau*, 356 N.W.2d at 808.
[32] Minn. R. Civ. P. 56.05.
[33] *Ostendorf v. Kenyon*, 347 N.W.2d 834, 836 (Minn. Ct. App. 1984).
[34] *Thiele*, 425 N.W.2d at 583.
[35] *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 250-51 (1986).

V. Applicable Law and Analysis

In the current motion, Respondent seeks summary disposition based on alleged procedural and substantive deficiencies in the Department's enforcement action related to the cited spacing violations.[36] First, Respondent asserts that the Department's decision was not based on the required "substantial evidence" given the fact that no actual measurements were included in the citation documents. Second, Respondent argues that the Department's enforcement action is based on an incorrect construction of the applicable statute. Third, and in the alternative, Respondent seeks a summary determination that the Department's variance decision should be reversed as arbitrary and capricious. The Administrative Law Judge finds each of these arguments unpersuasive, as noted below.

A. The Record Sufficiently Evidences Material Disputes

Respondent's argument related to the sufficiency of the record is without merit. On this motion for summary disposition, Respondent has the burden of proof and the Department, as the nonmoving party, has the benefit of that view of the evidence that is most favorable to it.[37] Although the nonmoving party must establish the existence of a disputed material fact by substantial evidence, the substantial evidence standard "refers to legal sufficiency and not quantum of evidence."[38] The standard requires only that the nonmovant produce evidence which is sufficiently probative with respect to an essential element of the case to permit reasonable persons to draw different conclusions.[39]

The Department has met that burden. It filed sworn affidavit testimony from two witnesses, one responsible for coordinating enforcement actions pursuant to applicable legal authorities and the other responsible for conducting the various inspections of PoFS which led to the spacing and non-spacing violation citations. This testimony was supported with relevant documentation, including 13 photographs of the conditions of PoFS on May 23, 2012, which led to the spacing violation citations on that date. Viewed in the light most favorable to the Department, it is clear that the record contains substantial evidence relevant to the configuration of PoFS in relationship to parking and open space, essential elements of the case. Therefore, Respondent is not legally entitled to summary disposition.

B. Respondent's Interpretation of the Governing Statute is Not Correct

The primary focus of Respondent's motion is centered on the proper interpretation and effect to be given to Minn. Stat. § 327.20, and the statute's corresponding rule.[40] The Minnesota Supreme Court has summarized the required

[36] Respondent makes no arguments related to the legal sufficiency of the non-spacing violations.
[37] *See Greaton v. Enich*, 290 Minn. 74, 77, 185 N.W.2d 876, 878 (1971).
[38] *Murphy v. Country House, Inc.,* 307 Minn. 344, 351, 240 N.W.2d 507, 512 (1976).
[39] *DLH, Inc. v. Russ*, 566 N.W.2d 60, 71 (Minn. 1997).
[40] Minn. R. 4360.0400. In effect, the rule is identical to the statute though the rule utilizes the statute's original term, "mobile home," rather than "manufactured home" as amended into the statute in 1981. *See* 1981 Minn. Laws Ch. 365, Sec. 9.

analysis for determining a question of law presented by an issue of statutory interpretation:

> When interpreting a statute we give the words and phrases of the statute their plain and ordinary meaning. Moreover, we examine the language of a statute as a whole to give effect to all of its provisions. The first step in interpreting a statute is to examine the language to determine whether it is clear and unambiguous. A statute is ambiguous if, as applied to the facts of the case, it is susceptible to more than one reasonable interpretation. If the statute is clear and not ambiguous, then we apply its plain and ordinary meaning. But if the statute is ambiguous, then we may look beyond the statutory language to determine legislative intent.[41]

In cases which require examination of legislative intent, a court may defer to the regulating agency's expertise, but only when "(1) the agency is interpreting a regulation that is unclear and susceptible to more than one interpretation; and (2) the agency's interpretation is reasonable."[42]

> The statute at issue is set forth in its entirety below:
>
> No manufactured home shall be located closer than three feet to the side lot lines of a manufactured home park, if the abutting property is improved property, or closer than ten feet to a public street or alley. Each individual site shall abut or face on a driveway or clear unoccupied space of not less than 16 feet in width, which space shall have unobstructed access to a public highway or alley. *There shall be an open space of at least ten feet between the sides of adjacent manufactured homes including their attachments and at least three feet between manufactured homes when parked end to end. The space between manufactured homes may be used for the parking of motor vehicles and other property, if the vehicle or other property is parked at least ten feet from the nearest adjacent manufactured home position.* The requirements of this paragraph shall not apply to recreational camping areas and variances may be granted by the state commissioner of health in manufactured home parks when the variance is applied for in writing and in the opinion of the commissioner the variance will not endanger the health, safety, and welfare of manufactured home park occupants.[43]

The analysis below relates to the two relevant sentences of the statute, set forth in italics above.

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[41] *A.A.A. v. Minnesota Dept. of Human Servs.,* 832 N.W.2d 816, 819 (Minn. 2013) (citations omitted).
[42] *In re Cities of Annandale & Maple Lake NPDES/SDS Permit Issuance for the Discharge of Treated Wastewater,* 731 N.W.2d 502, 515 (Minn. 2007).
[43] Minn. Stat. § 327.20, subd. 1(3) (emphasis added).

Respondent interprets this statutory language to mean: (1) a PoFS tenant (Tenant A) may lawfully park his vehicle anywhere on the double parking pad as long as Tenant A's vehicle is not within ten feet of his adjacent neighbor's (Tenant B's) home; (2) at the same time, Tenant B may park her vehicle on the same double parking pad so long as Tenant B's vehicle is at least ten feet away from Tenant A's home; and (3) no remaining area of "open space" is required between the homes. The Department interprets the statute to mean that vehicles may be parked on the double parking pad only if there remains at least ten feet of open space between the home of Tenant A and Tenant B.

Applying the required analysis, the Administrative Law Judge notes that the first relevant sentence of the subject statute mandates the existence of an "open space" of, at least, ten feet in width measured between homes. While the term "open space" is not defined in the statute, it is a term of common usage in the zoning and property regulation context and generally refers to an undeveloped space available for multiple uses.[44] The statute is mandatory regarding the existence of the specified open space: "[t]here *shall be* an open space of at least ten feet …."[45] As such, the statute clearly requires the continual existence of the mandated open space.

The second sentence of the statute is similarly clear. It allows parking within the required open space "if the vehicle…is parked at least ten feet from the nearest adjacent manufactured home…."[46] There is nothing ambiguous about this statutory language.

Respondent agrees that the statute is not ambiguous, but argues that the plain language of the statute's second sentence trumps the language of the first sentence. Because the second sentence addresses parking between homes and makes no explicit reference to maintaining the ten-foot open space, Respondent asserts that it need only comply with the second sentence and that the Department is unreasonably attempting to add the open space requirement where it is not specifically included.[47] In effect, Respondent insists that it has complied with the statute by allowing vehicles to be parked side to side as long as each vehicle is at least ten feet away from its neighbor's home, whether or not there is little to no "open space" left between the homes.

In this analysis, despite acknowledging that the statute needs no interpretation, Respondent interprets the statute, adding ideas that the language of the statute does not include and cannot support. Nothing in the statutory language indicates that, by "adjacent manufactured home position" the legislature meant "the home not occupied by the owner of the vehicle." "Adjacent" means "lying near or close to." While it implies that

[44] *City of Saint Paul v. State of Minnesota Dep't of Revenue*, 754 N.W.2d 386, 389 (Minn. Ct. App. 2008) (noting that the city's legislative code defines "open space" as "[l]and and water areas retained for use as active or passive recreation areas or for resource protection.") (citation omitted).
[45] Minn. Stat. § 327.20, subd. 1(3) (emphasis added).
[46] Minn. Stat. § 327.20, subd. 1(3).
[47] Park of Four Seasons' Memorandum in Support of Summary Disposition, pp. 9-10.

two objects are "not widely separated," they need not be touching.[48] Respondent's injection of the notion that Minn. Stat. § 327.20, subd. 1(3) has to do with the connection between the owner of the parked vehicle, and the tenant or owner of the manufactured home next to which it is parked is unsupported by the plain language of the statute.

Respondent's interpretation also ignores the word "nearest" in the sentence in question. The car must be parked at least ten feet from the "nearest" adjacent home. That means that it cannot be any closer to any other adjacent home.

In addition, Respondent's interpretation fails to give effect to all portions of the statute at issue.

> A statute should be interpreted, whenever possible, to give effect to all of its provisions; 'no word, phrase, or sentence should be deemed superfluous, void, or insignificant.' [*Am. Family Ins. Grp. v. Schroedl,* 616 N.W.2d 273, 277 (Minn. 2000)] (quoting *Amaral v. Saint Cloud Hosp.,* 598 N.W.2d 379, 384 (Minn. 1999)). We are to read and construe a statute as a whole and must interpret each section in light of the surrounding sections to avoid conflicting interpretations. *Id.*[49]

Read together as required, the statutory language contains two directives: (1) all manufactured home parks in Minnesota must provide "open space of at least ten feet between the sides of adjacent manufactured homes"; and (2) if parking is allowed between homes, parked vehicles must be "at least ten feet from the nearest adjacent manufactured home." Both of these directives must be met; the statute does not permit a choice of one over the other. The provisions are not at odds or inconsistent. A park's design can provide an open space of sufficient size to accommodate parking as well as "an open space of at least ten feet" between homes. In practical effect, the overall space between homes would need to be much larger than ten feet in total in order to provide ten feet of open space and also space for vehicle parking. The statute appears to envision this result in its requirement that the open space be "at least"[50] ten feet wide.

Respondent suggests that this interpretation is inadequate because it is impossible for PoFS to comply with both directives given its present configuration. This argument is without merit. The statute was not drafted to accommodate the layout preferred by PoFS, a manufactured home park that did not even exist when the statutory language was enacted over fifty years ago.[51] It was enacted for the purpose of protecting the safety and health of the occupants of and visitors to these facilities.[52] In service of this purpose, the statute requires that manufactured home parks in Minnesota

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[48] Black's Law Dictionary, 5th Ed., *Merriam-Webster.com*. Merriam-Webster, n.d. Web. 28 July 2014. <http://www.merriam-webster.com/dictionary/adjacent>.
[49] *Minnesota Transitions Charter Sch. v. Comm'r of Minnesota Dep't of Educ.,* 844 N.W.2d 223, 227 (Minn. Ct. App. 2014), rev. denied (May 28, 2014).
[50] Minn. Stat. § 327.20, subd. 1(3).
[51] *See* 1951 Minn. Laws Ch. 428, Sec. 7.
[52] Minn. Stat. §§ 327.16, subd. 3; 327.20, subd. 2; Minn. Rules Ch. 4630.

be configured such that they maintain at least ten feet of open space regardless of whether or where parking is permitted.

Upon application of the required rules of statutory construction, the Administrative Law Judge concludes that the Respondent has failed to establish that it is entitled to summary disposition as a matter of law. The Respondent's interpretation of the statute is unsupported by its plain language.[53]

C. The Department's Denial of the Variance Request was Lawful

Respondent's final argument is that the Department's decision to deny the variance request was based on criteria not allowed in the controlling statute and was therefore arbitrary and capricious. An agency decision is arbitrary and capricious

> if the agency relied on factors which the legislature had not intended it to consider, if it entirely failed to consider an important aspect of the problem, if it offered an explanation for the decision that runs counter to the evidence, or if the decision is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.[54]

The Department has the lawful authority to grant a variance from the subject statute "when the variance is applied for in writing and in the opinion of the commissioner the variance will not endanger the health, safety, and welfare of manufactured home park occupants"[55] and then "only according to the procedures and criteria specified in parts 4717.7000 to 4717.7050."[56] In pertinent part, the cited rules require an application to be denied if the proposed variance would have a "potential adverse effect on public health, safety or the environment" and the proposed alternative measures are not "equivalent or superior to" those set forth in the rule.[57]

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[53] The Administrative Law Judge has carefully reviewed the statutory language and the Department's statements regarding its construction of the statute. *See* Department's Memorandum of Law in Opposition, p. 14; Peloquin Aff. ¶ 25. While not reaching a final conclusion regarding the meaning of the language at this stage of the proceedings, the Administrative Law Judge notes that the Department's construction, at least as expressed in the pleadings, also does not appear to be consistent with the plain language of the statute.

The Administrative Law Judge reads the statute to require that, when one or more vehicles are parked between manufactured homes, any vehicle parked between the homes must be parked at least ten feet away from either of the manufactured homes. The Administrative Law Judge reads the second sentence of the statute as consistent with, but independent of, the first sentence. It is not enough just to have ten feet of open space as the focus of the requirement, because that ignores the requirement in the second sentence that a vehicle always be ten feet away from an adjacent home. The parties are encouraged to address this issue further at the hearing, and in any post-hearing briefings and argument they provide.

[54] *Minnesota Transitions Charter Sch. v. Comm'r of Minnesota Dep't of Educ.,* 844 N.W.2d 223, 235 (Minn. Ct. App. 2014), review denied (May 28, 2014) (citations omitted).

[55] Minn. Stat. § 327.20, subd. 1(3).

[56] Minn. R. 4630.1801.

[57] Minn. R. 4717.7010.

In the present case, the Department determined that the Respondent's proposed alternative, which consisted of no changes to the current configuration and parking practices of PoFS, would have a negative effect on public safety and therefore was not equivalent or superior to the rule. In the sworn affidavit testimony submitted in opposition to the current motion, the Department's witnesses testified that the lack of a ten foot open space between homes at PoFS presented safety issues related to possible home fires, including a risk of home fires igniting closely-parked vehicles and thus spreading to adjacent homes, as well as increased danger to firefighters unable to easily access burning home(s). These are exactly the types of factors the legislature intended the Department to consider in exercise of its general authority to protect the public,[58] and its specific authority to regulate manufactured home parks on behalf of their occupants, all of whom are also members of the public entitled to the protections the statute provides. As such, the Department acted within its statutory authority in denying the requested variance. The denial is not reversible as arbitrary or capricious.

D. Conclusion

On the evidence contained in the record to date, viewed in a light most favorable to the Department as required in the procedural posture of the present motion, the Administrative Law Judge concludes that Respondent is not entitled to summary disposition as a matter of law with respect to the cited spacing violations. Respondent has not addressed the legal sufficiency of the cited non-spacing violations and has not attempted to establish entitlement to summary disposition on those claims, notwithstanding its titling the present motion as one for summary disposition rather than for partial summary disposition. As material issues of fact remain for resolution at hearing on all cited violations, the Administrative Law Judge denies the motion for summary disposition in all respects. The matter will proceed to hearing as scheduled on August 20, 2014 and continuing as necessary on August 21, 2014.

L.S.

[58] See Minn. Stat. § 144.05, subd. 1.